

Adopted	Rejected
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COMMITTEE REPORT

YES:	6
NO:	5

MR. SPEAKER:

Your Committee on Government and Regulatory Reform, to which was referred House Bill 1002, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, delete lines 1 through 15.
- 2 Page 2, delete lines 1 through 31.
- 3 Page 5, line 18, delete "The members of the commission serve at the
- 4 pleasure".
- 5 Page 5, delete line 19.
- 6 Page 5, line 26, after "chairman." insert "**chairperson.**".
- 7 Page 5, line 26, reset in roman "Each appointment".
- 8 Page 5, reset in roman line 27.
- 9 Page 5, line 28, reset in roman "filled by the governor for the
- 10 unexpired term".
- 11 Page 5, line 28, delete "chairperson".
- 12 Page 13, line 18, delete "direct or indirect".
- 13 Page 13, line 42, delete "not later than".
- 14 Page 14, line 1, delete "thirty (30) days after the agency makes the
- 15 contract".
- 16 Page 14, line 1, after "if" insert ", **not later than thirty (30) days**

1 after learning of the actual or prospective violation,".

2 Page 16, between lines 8 and 9, begin a new paragraph and insert:

3 **"(e) A written advisory opinion issued by the inspector general**

4 **certifying that:**

5 **(1) employment of;**

6 **(2) representation by; or**

7 **(3) assistance from;**

8 **the former state officer, employee, or special state appointee does**
 9 **not violate this section is conclusive proof that a former state**
 10 **officer, employee, or special state appointee is not in violation of**
 11 **this section."**

12 Page 20, line 3, delete "or" and insert **"and"**.

13 Page 23, line, 21, delete "appoint" and insert **"recommend"**.

14 Page 23, line 22, after "general" insert **"be appointed"**.

15 Page 23, line 23, delete "(c)" and insert **"(h)"**.

16 Page 23, line 23, delete "is authorized to" and insert **"may"**.

17 Page 23, line 25, delete "appoint" and insert **"recommend"**.

18 Page 23, line 25, after "general" insert **"be appointed"**.

19 Page 23, between lines 31 and 32, begin a new paragraph and insert:

20 **"(d) If the governor has recommended the appointment of the**

21 **inspector general as a special prosecuting attorney, the inspector**

22 **general shall file a notice with the chief judge of the court of**

23 **appeals, stating:**

24 **(1) that the governor has recommended that the inspector**
 25 **general be appointed as a special prosecutor;**

26 **(2) the name of the county in which the crime that the**
 27 **inspector general intends to prosecute is alleged to have been**
 28 **committed; and**

29 **(3) that the inspector general requests the chief judge to assign**
 30 **a court of appeals judge to determine whether the inspector**
 31 **general should be appointed as a special prosecuting attorney.**

32 **Upon receipt of the notice, the chief judge of the court of appeals**
 33 **shall assign a judge of the court of appeals from a district other**
 34 **than the district in which the crime is alleged to have been**
 35 **committed to determine whether the inspector general should be**
 36 **appointed as a special prosecuting attorney.**

37 **(e) The inspector general shall file a verified petition for**
 38 **appointment as a special prosecuting attorney with the court of**

appeals judge assigned under subsection (d). In the verified petition, the inspector general shall set forth why the inspector general should be appointed as a special prosecutor. The inspector general may support the verified petition by including relevant documents, transcripts, or written statements in support of the inspector general's position. The inspector general shall serve a copy of the verified petition, along with any supporting evidence, on the prosecuting attorney to whom the case was originally certified under subsection (a).

(f) The prosecuting attorney shall file a verified petition in support of or opposition to the inspector general's verified petition for appointment as a special prosecuting attorney not later than fifteen (15) days after receipt of the inspector general's verified petition for appointment as a special prosecuting attorney.

(g) Upon a showing of particularized need, the court of appeals judge may order the verified petitions filed by the inspector general and the prosecuting attorney to be confidential.

(h) After considering the verified petitions, the court of appeals judge may appoint the inspector general as a special prosecuting attorney if the judge finds that:

(1) one (1) of the conditions set forth in subsection (b)(1) is met; and

(2) appointment of the inspector general as a special prosecuting attorney is in the best interests of justice.

In making its determination under this subsection, the court of appeals judge shall consider only the arguments and evidence contained in the verified petitions."

Page 23, line 32, delete "(d)" and insert "(i)".

Page 23, line 32, delete "(f)" and insert "(k)".

Page 23, line 35, delete "governor" and insert "court of appeals judge".

Page 24, line 4, delete "governor" and insert "court of appeals judge".

Page 24, line 7, delete "(e)" and insert "(j)".

Page 24, line 16, delete "(f)" and insert "(k)".

Page 24, line 21, delete "(g)" and insert "(l)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1002 as introduced.)

and when so amended that said bill do pass.

Representative Buck